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FOOD DISTRIBUTION ADMINISTRATION
UNITED STATES DEPARTMENT OF AGRICULTURE

[Food Distribution Order 26]

PART 1410—LIVESTOCK AND MEATS

PURCHASE AND SALE OF LIVESTOCK

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and to assure an adequate supply and efficient distribution of meat and meat products to meet war and essential civilian needs, *It is hereby ordered*, As follows:

§ 1410.3 *Purchase and sale of livestock*—(a) *Definitions*. When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "person" means any individual, partnership, corporation, association, or other business entity.

(2) The term "livestock" means cattle, calves, hogs, sheep, and lambs.

(3) The term "dealer" means any person who buys livestock for the purpose of resale. A person who buys livestock for the purpose of dairy, wool or meat production, or for breeding, feeding or finishing, and who keeps such livestock not less than thirty (30) days shall not be considered a dealer.

(4) The term "agent" means any person who buys or sells livestock on a commission or agency basis, either as an employee or agent of the buyer or seller.

(5) The term "producer" means any person who owns any livestock, in whole or in part, and is engaged in dairy, wool or meat production, or in the business of breeding, feeding or finishing such livestock.

(6) The term "Director" means the Director of Food Distribution, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by such Director.

(b) *Permits*. No dealer or agent shall buy or sell livestock without first securing a permit from the Director or from such person or agency as he may designate. Such dealers or agents shall agree to keep the records prescribed in paragraph (c) hereof as a condition of ob-

taining a permit. Any dealer or agent who is registered at a posted stockyard under the provisions of the Packers and Stockyards Act, 1921,¹ shall not be required to obtain a permit to buy or sell at such stockyard.

(c) *Records*. (1) Every dealer, agent, and producer shall keep a record of each purchase and each sale of livestock. Such records shall include the date of each purchase or sale, the name and address of the buyer and seller, and the number, kind, weight, and price paid for the livestock. All such records shall be maintained for at least two years, or for such other periods of time as the Director may designate. Records kept by dealers or agents shall be in the form prescribed by the Director.

(2) Records of dealers or agents at posted stockyards, kept in compliance with the Packers and Stockyards Act, 1921,¹ and the regulations issued thereunder, shall, with respect to purchases or sales at such stockyards, be considered as meeting the requirements of (c) (1) hereof.

(3) Sales or purchases made by a dealer or producer through an agent shall be recorded as sales to or purchases from such agent.

(4) As of the effective date of this order, dealers shall prepare and keep on file an inventory of the livestock on hand, including the number, kind, and estimated weight. (These record-keeping requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

(d) *Reports*. Every person subject to this order shall execute and file such reports upon such forms and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe.

(e) *Audits and inspections*. Every person subject to this order shall, upon request, permit inspections, at all reasonable times, of his livestock and the premises used in his business, and all of his books, records and accounts shall,

upon request, be submitted to audit and inspection by the Director.

(f) *Applicability of order*. The provisions of this order shall apply only to purchases and sales of livestock within the continental limits of the 48 states and the District of Columbia.

(g) *Violations*. Any dealer or agent who wilfully violates any provision of this order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order, or wilfully conceals a material fact concerning a matter within the jurisdiction of any Department or agency of the United States, may be prohibited from receiving or making further deliveries of any livestock; and such further action may be taken against him as the Director deems appropriate, including the suspension or revocation of his permit, and including recommendations for prosecution under section 35a of the Criminal Code (18 U.S.C. 1940 ed. 80), under paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(h) *Petition for relief from hardship*. Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may petition in writing (in triplicate) for relief to the Director, setting forth all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, and such action shall be final.

(i) *Communications to Department of Agriculture*. All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture, Washington D. C. Ref: FD-26.

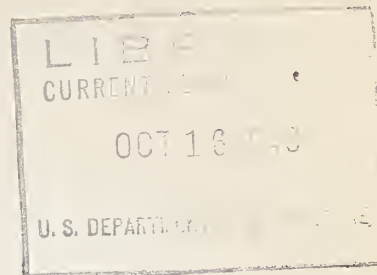
(j) *Effective date*. This order shall become effective at 12:00 o'clock midnight on March 31, 1943.

(E.O. 9280, 7 F.R. 10179)

Issued this 5th day of March 1943.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

¹ 42 Stat. 159 (1921); 7 U.S.C. 1940 ed. 181.



WAR FOOD ADMINISTRATION

[FDO 26, Revocation]

PART 1410—LIVESTOCK AND MEATS

TERMINATION OF REGULATIONS AFFECTING PURCHASE AND SALE OF LIVESTOCK

Food Distribution Order No. 26 (8 F.R. 2784), issued under authority of the Secretary of Agriculture on March 5,

1943, is revoked as of 12:01 a. m., e. w. t., September 30, 1943.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 26, prior to the effective date of this revocation, all provisions of Food Distribution Order No. 26, in effect prior to this revocation shall be deemed in full force and effect for the purpose of sus-

taining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 30th day of September 1943.

ASHLEY SELLERS,
Acting War Food Administrator.

Press Release Immediate:
Friday, October 1, 1943.

The War Food Administration said today that Food Distribution Order 26 has been revoked effective September 30. The order has required all livestock dealers (except farmers) to obtain per-

mits to buy and sell livestock and to keep records of their operations.

This order, which has been in effect since April 1, was needed to supplement the quota system regulating the deliveries of meat to civilians. Since the quota system has been suspended, it is

no longer necessary to have the dealer-permit order in effect.

Under the dealer-permit plan anyone (except farmers) who bought and sold cattle, hogs and sheep and kept them for less than 30 days, was required to have a permit and to keep a complete record of his livestock purchases and sales.

